



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,287	06/29/2004	Shinichi Sasaki	042424	5209

38834 7590 10/11/2005

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036


EXAMINER

CHEN, WEN YING PATTY

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/500,287	Applicant(s) SASAKI ET AL.	
	Examiner Wen-Ying P. Chen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/29/04, 9/29/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-11 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishikawa et al. (US 6685998).

With respect to claims 1 and 10: Nishikawa et al. disclose in Figure 1(a) a polarizing plate comprising: a polarizing layer (element 2b) and an optically compensating layer (elements 3b and 4b), wherein the optically compensating layer comprises an optically compensating A-layer (element 3b) comprising a polymer film (Column 5, lines 8-9), and an optically compensating B-layer (element 4b) comprising a cholesteric liquid crystal layer (Column 3, lines 51-59).

As to claim 2: Nishikawa et al. further disclose in Column 4 lines 1-21, Column 5 lines 57-61 and Column 6 lines 3-14 that since the slow axis of B-layer is perpendicular to the rubbing direction of A-layer; the rubbing direction of A-layer is parallel to the slow axis of A-layer; and that the absorption axis of the polarizing layer is parallel to the slow axis of B-layer, therefore, the absorption axis of the polarizing layer is perpendicular (forming a 90° angle, which is not smaller than 85° and not larger than 95°) to the slow axis of the optically compensating A-layer.

Art Unit: 2871

As to claims 3 and 11: Nishikawa et al. further disclose in Column 5 lines 11-15 that the optically compensating A-layer meets requirements indicated by the formulae:

$$20nm \leq Re \leq 300nm \text{ and } 1.2 \leq Rth/Re, \text{ where } Re = (n_x - n_y) * d \text{ and } Rth = (n_x - n_z) * d.$$

As to claims 5 and 13: Nishikawa et al. further disclose in Column 5, lines 38-45) that the polarizing plate with optical compensation function further comprising an alignment layer and a base (wherein the optical compensation A-layer is of a base and an alignment layer).

As to claims 6 and 14: Nishikawa et al. further disclose in Column 5 lines 25-31 that the polymer film is a stretched film.

As to claim 7: Nishikawa et al. further disclose in Column 62 lines 40-44 and Column 63 lines 54-62 that a pressure-sensitive adhesive layer is arranged on one of the surfaces of the polarizing plate.

As to claims 8-9 and 15: Nishikawa et al. disclose in Figure 1(a) an image display comprising a liquid crystal cell (element 6) and a polarizing plate (element 1b) arranged on at least one surface of the liquid crystal cell.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2871

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. (US 6685998) in view of Suzuki et al. (US 6580483).

Nishikawa et al. disclose all of the limitations set forth in the previous claims, but fail to specifically disclose that a selectively reflection wavelength range of the cholesteric liquid crystal layer is in a range not larger than 350nm.

However, Suzuki et al. teach in Column 1 lines 66-67 and Column 2 lines 1-4 the use of a cholesteric liquid crystal film wherein a selectively reflection wavelength range of the film is between 30nm to 150nm, which is not larger than 350nm.

Art Unit: 2871

Therefore, it would have been obvious at the time the invention was made to construct a polarizing plate as taught by Nishikawa et al. wherein the cholesteric liquid crystal film has the property as taught by Suzuki et al., since Suzuki et al. teach that having the specific selectively reflection wavelength range helps to improve visibility of a display device (Column 1, lines 61-61).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Ying P. Chen whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Ying P Chen
Examiner
Art Unit 2871

WPC 10/04/05


ANDREW SCHECHTER
PRIMARY EXAMINER